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ABNER D. LEWIS.

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LETTER FROM THE ASSISTANT CLERK OF THE COURT OF CLAIMS,  
TRANSMITTING COPY OF THE FINDINGS OF THE COURT IN THE  
CLAIM OF ABNER D. LEWIS AGAINST THE UNITED STATES.

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JANUARY 11, 1901.—Referred to the Committee on Claims and ordered to be printed.

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COURT OF CLAIMS, CLERK'S OFFICE,  
*Washington, January 10, 1901.*

SIR: Pursuant to the order of the court I transmit herewith a certified copy of the findings filed by the court in the aforesaid cause, which case was referred to this court by the resolution of the Senate of the United States under the act of March 3, 1887.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,  
*Assistant Clerk Court of Claims.*

HON. WILLIAM P. FRYE,  
*President of the Senate pro tempore.*

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[Court of Claims. Congressional, No. 9459. Abner D. Lewis, v. The United States.]

STATEMENT OF THE CASE.

The claim in the above-entitled case for supplies or stores alleged to have been taken in the State of Arkansas by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, together with a claim for like property so taken in the State of Tennessee, was first transmitted to the court by the Committee on War Claims of the House of Representatives in December, 1884, under the act of March 3, 1883, and was numbered 152.

On a preliminary hearing in that case the claimant was, on the 15th day of February, 1886, found to have been loyal throughout the war for the suppression of the rebellion; but as the claim now in suit had never been presented up to that time to any department or officer of the Government, the same was held barred under the provisions of the act of March 3, 1873, and for that reason the petition in respect of the property taken in Arkansas was dismissed. An allowance was made for the property taken in Tennessee, as that claim had been filed before the Commissioners of Claims.

Thereafter, June 5, 1896, the claim for property taken in Arkansas was referred to the court under the provisions of the act of March 3, 1887, by resolution of the Senate.

The claimant, in his petition, avers, among other things, that he is a citizen of the United States, residing during the late war for the suppression of the rebellion in Fayette County, State of Tennessee; that he was the owner of a plantation in Pope County, Ark., during said war, and that during the years 1863 and 1864 the United

States forces under General Steele took for the use of the United States from said plantation quartermaster and commissary supplies and cotton as follows:

5,000 bushels of corn.....	\$5,000
200 head of hogs.....	2,000
30 head of cattle.....	300
2 wagons.....	200
2 yoke of oxen.....	100
4 mules.....	400
11 mules.....	1,100
5 mares.....	750
4 horses.....	500
75 bales of cotton, at \$225 per bale.....	16,875
51,000 pounds seed cotton.....	8,500
6 bales and 1,800 pounds lint cotton.....	2,250
Total.....	37,975

The case was brought to a hearing on its merits on the 19th day of December, 1900, Gilbert Moyers, esq., appearing for the claimant, and the Attorney-General, by W. H. Button, his assistant, and under his direction, appeared for the defense and protection of the interests of the United States.

And the court, having examined the evidence and heard the argument of counsel on both sides, makes the following

#### FINDINGS OF FACT.

I. During the war for the suppression of the rebellion the claimant resided in Fayette County, Tenn., and prior thereto, to wit, about the year 1859, he purchased a plantation of 640 acres in Pope County, Ark., but did not remove his family thither.

From said plantation there were taken during the war for the suppression of the rebellion by the military forces of the United States, for their use, stores and supplies as averred in the petition, other than cotton, cotton seed, or lint cotton, valued at \$5,080, for which no payment appears to have been made.

II. In respect of the cotton alleged in the petition to have been taken from said plantation the court is not satisfied from the evidence that said cotton, cotton seed, lint cotton, or any part thereof was used by the military forces of the United States, or ever came to the possession or custody of any agent of the United States, and no allowance is made therefor.

III. The court further finds that there has been delay and laches in the presentation of the claim to the Government, both for stores and supplies and for said cotton, and that it was not presented to the Southern Claims Commission, and for that reason became barred under the provisions of the act of March 3, 1873; and that no fact has been established to the satisfaction of the court, or reason shown, why the bar should be removed prescribed for such claims by the act of March 3, 1871 (16 Stat. L., 524, section 4), and the said act of March 3, 1873 (17 Stat. L., 577, section 2).

BY THE COURT.

Filed January 7, 1901.

A true copy.

Test this 9th day of January, A. D. 1901.

[SEAL.]

JOHN RANDOLPH,  
Assistant Clerk, Court of Claims.